

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

SEP - 4 2018

Clerk, U S District Court
District Of Montana
Billings

MARLON THOMAS,

Petitioner,

vs.

JIM SALMONSEN, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondent.

CV 18-87-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

Petitioner Marlon Thomas, appearing pro se, seeks habeas corpus relief pursuant to 28 U.S.C. § 2254. Thomas is a state prisoner challenging his conviction for felony Aggravated Promotion of Prostitution and Promoting Prostitution. (Doc. 1).

The United States Magistrate Judge Timothy Cavan filed Findings and Recommendations on June 14, 2018. (Doc. 4). Judge Cavan recommended that Thomas' petition be dismissed without prejudice as unexhausted. (*Id.* at 6).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.


McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 4) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Thomas’ Petition (Doc. 1) is DISMISSED without prejudice as unexhausted.

The Clerk of Court is directed to enter by separate document a judgment of dismissal. A certificate of appealability is DENIED.

DATED this 4th day of September, 2018.


SUSAN P. WATTERS
United States District Judge